

Meeting Notes, State Appeals Board
Appeal #12-01
Monday, June 18, 2012
Preliminaries: 12:25 PM; Hearing 12:30 PM

Project Summary:

Location: 520 Second Street Apartment Project

The proposed project is a 5 story, 91 unit R-2 apartment building of type III-B construction above a Type IA enclosed parking garage.

The enclosed parking garage contains several tiers of parking along with a level that contains three dwelling units, small fitness room and other small spaces.

The appeal concerns the applicability of a mezzanine to the level that contains three dwelling units in the Type IA portion of the building.

Preliminaries:

Appeals Board Members included Tom Downs Jr., Structural Engineer with BKBM Structural Engineers; Haidee Tan, Architect with DLR Group; Craig Hess, Architect with ESG Architects; Tom Gray, Building Official with the City of Victoria, and Scott McKown, Building Official with the City of Burnsville. The Ex-officio (non-voting) member was Michael Godfrey from Construction Codes and Licensing Division (CCLD). Doug Nord also from CCLD took meeting notes.

Michael Godfrey welcomed the board members and thanked them for taking part in this appeal. Michael handed out the rules of procedure to the board and went over those rules. Michael Godfrey went over the subject of the appeal; 2006 IBC section 505, Mezzanines.

Tom Gray motioned for Scott McKown to be the chair of the Board, Tom Downs seconds motion, all in favor. The board introduced themselves to those in attendance.

Hearing call to order:

Scott McKown called the meeting to order at 12:30 PM. He asked those in the audience to introduce themselves. The audience included; Patrick Higgins, Building Official for the City of Minneapolis; Jack Boarman, appeal applicant and partner of BKV Group; Steve Hanson with the City of Minneapolis Building Department; Jim Timm with BKV Group; Steve Minn, Developer; Gretchen Camp with BKV Group; Larry Farris with/representing BKV Group.

Scott McKown asked the City of Minneapolis to explain their interpretation of the code regarding this matter up for appeal.

Steve Hanson with the City of Minneapolis explained the city has no board of appeals so that is why the application has come to the State Appeals Board. Steve stated the code allows for the proposal of alternates to be proposed but no proposals of alternate design were ever made. Steve explained the area in question is a parking garage. Steve discussed the definition of a mezzanine in the code and Webster's definition of a mezzanine. Steve states the area in question does not meet these definitions. As proposed the mezzanine is not within a room and does not meet the intent of the code.

Patrick Higgins then addressed the board by stating the city has determined this area to be a story, not a mezzanine and has concerns this could set a precedent with other designs in his jurisdiction. Pat explained statements contained in the Building Code Handbook as to a mezzanine based on the room it is located in and that the full extension of the ramp has no separation. Patrick states they looked carefully at code requirements regarding type of construction, stories, square footage allowances,

sprinklering and took a liberal approach but in the end they felt the area in question did not qualify as a mezzanine.

Scott McKown asked if there were any questions.

Heidi Tan asked if the area was open to the floor below.

Patrick Higgins went over the full size plan he brought in with Heidi Tan.

Larry Farris, Jack Boarman and Steve Minn came up in front of the board to make their presentation.

Larry Farris went over the state amendment to 509 allowing for residential. Larry would agree with Patrick Higgins that intermediate floors are hard to define in a parking garage. Larry went over section 505 including exceptions and 509.2 showing what they believe to meet the code for the area in question to be called a mezzanine. Larry stated Patrick Higgins had concerns that this could have ramifications for setting a precedent but this is for this specific project not others.

Jack Boarman talked about other uses in type 1-A construction.

Craig Hess had a question regarding the mezzanine and parking up to it.

Jim Timm responded to Craig's question.

Jack Boarman went over how they calculated the mezzanine area totals to be less than 50% of the area.

Tom Gray asked if the story above grade plane was defined on the plan.

Larry Farris, Jack Boarman, and Jim Timm went over the plan explaining this.

Tom Downs asked them to go over section 505.4, exception 3.

Larry Farris stated they are not using exception 3, but are using exception 2 of that section which states; "A mezzanine having two or more means of egress is not required to be open to the room in which the mezzanine is located if at least one of the means of egress provides direct access to an exit from the mezzanine level."

Heidi Tan asked Larry Farris to go over 505.4, exception 5 as to why they are not using that.

Larry Farris explained that they want to use 505.4, exception 2.

Tom Gray brought up how one determines stories in an enclosed parking garage and is the mezzanine located within a story. Tom Gray asked Pat Higgins if he sees the mezzanine within a story.

Pat Higgins stated no, and stated that the definition of a story talks about top of finish floor to top of finish floor.

Craig Hess stated the basement is not a story.

Larry Farris stated in a parking garage the floor is open, but not a story.

Tom Gray asked how they determined grade.

Jack Boarman went over where they felt basement and first floor are located.

Scott McKown open floor for any rebuttals.

Patrick Higgins went over mezzanines again as being located within a room it is in.

Patrick Higgins thanked the board members for their time in hearing this appeal.

Larry Farris states the intermediate floor level meets all the code provisions for a mezzanine. It is somewhat unique as there are no stories in a parking garage. The state amendment allows for R occupancies as does the 2009 International Building Code.

Scott McKown asked if there were any more comments.

Steve Minn the developer for this project stated when they met with a now retired plan reviewer with the City of Minneapolis in 2010, they believe this concept was approved and if they hadn't got that direction, they would not have moved forward.

Scott McKown closed public discussion for the board to discuss the issue amongst itself. The board went over the issues in a quiet discussion, looking at plan layout and consulting with each other.

Tom Downs made a motion that the portion of the project as proposed as a mezzanine meets the code.

Craig Hess seconded the motion.

Scott McKown asked for any board member comments.

Tom Gray asked Mike Godfrey if the board's decision would set a precedent for other projects of this nature.

Mike Godfrey stated this appeal is case specific and does not set a precedent.

Scott McKown asked for a vote of those in favor of the motion.

Board members, Downs, Hess, Gray and McKown were in favor of the motion.

Scott McKown asked for a vote of those not in favor of the motion.

Heidi Tan voted against the motion.

The board ruled 4 to 1 that the floor level in question qualifies as a mezzanine.

Scott McKown adjourned the meeting at 1:50 PM.

Respectfully submitted,

Doug Nord
Michael Godfrey